

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ATAIN SPECIALTY INSURANCE  
COMPANY,

Plaintiff,

vs.

FIRST RESPONSE WATERPROOFING & GENERAL  
CONTRACTING LLC,  
SIMONE PITTS, DIPIERRO CONSTRUCTION, INC,  
GIROLAMO DIPIERRO, CIVIL ENVIRONMENTAL  
CONSULTANTS, INC., and PAUL ALDEN  
CURTIS A.I.A., INC.,

Defendants.

C.A. NO.: 22-11781

Electronically Filed

~~PROPOSED~~

JUDGMENT

GORTON, D.J.

The court having granted Plaintiff Atain Specialty Insurance Co.'s Motion for Summary Judgment [#39] as to Count I of the Complaint [#1], with Counts II-V being moot, it is hereby **ORDERED, ADJUDGED, AND DECREED:**

Atain Specialty Insurance Company, having properly cancelled the Commercial General Liability policy issued to First Response Waterproofing & General Contracting, LLC for the period of February 23, 2019 through February 23, 2020, is relieved of its duty to defend and indemnify First Response Waterproofing & General Contracting, LLC., or any other party, in the Suffolk Superior Court matter captioned: *Pitts v. DiPierro Construction, Inc and Girolamo DiPierro, et. al.*, Suffolk Superior Court Civil Action No.: 2184cv02118.

Dated: 08/15/2023

  
Nathaniel M. Gorton,  
United States District Judge